

REMARKS

The Examiner has rejected claims 8 and 9 as being obvious in view of Shin. The Examiner asserts that Shin discloses a damped flexible cable, but does not specifically disclose that the damping material is configured with relatively wide areas and relatively narrow areas as measured in a lateral dimension or that the damping material is configured with relatively thick portions and relatively thin portions.

The Examiner asserts that it would have been obvious at the time the invention was made to one of ordinary skill in the art to recognize that the damping material could be configured with relatively wide areas and relatively narrow areas as measured in a lateral dimension or that the damping material could be configured with the relatively thick portions and relatively thin portions.

As evidence of obviousness, the Examiner asserts that the Applicant has not disclosed unexpected results from a change in width or thickness of the damping layer. However, the Applicant respectfully asserts that, although a showing of unexpected results can be a factor (among many other possible factors) for proving that an invention is not obvious, a showing of unexpected results is not required for patentability. The Examiner also asserts that one of ordinary skill in the art could have modified the width or thickness of the cable for other purposes, or as a result of manufacturing tolerances.

The Applicant has cancelled claims 8 and 9 and has added new claims 17 and 18. Claim 17 recites a damped flexible cable wherein the damping material is configured to be relatively thicker in areas where more damping is needed and relatively thinner in other areas. Similarly, Claim 18 recites a damped flex cable wherein the damping material is relatively thicker in areas where additional damping is needed and relatively thinner elsewhere. Therefore, claims 17 and 18 further clarify that the change in damping material width or thickness is for the purpose of affecting damping and not just an inadvertent result of the cable design.

In order to establish a prima facie case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or combine the references or teachings. Second, there must be some reasonable expectation of success. Finally, the prior art references (or references when combined) must teach all of the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on the applicant's disclosure.

No teaching exists in the prior art for changing the width or thickness of the damping material in order to provide greater damping in areas needing more damping. As such, the Applicant respectfully asserts that the invention as claimed in claims 17 and 18 cannot be obvious in view of the prior art.

Claims 1 and 5 have been cancelled. Claims 2-4, 6 and 7 have been amended to depend from allowable claims 17 or 18. Since claims 2-4, 6 and 7 depend from allowable claims 17 or 18, and add further limitations thereto, they are also allowable.

Claims 10-12 have been amended to add the limitation discussed above that either the thickness or width of the damping layer changes to provide greater damping where such damping is needed. Therefore, for the reasons discussed above, claims 10-12 are also patentable over the prior art.

The applicant sincerely believes that all of the Examiner's objections and rejections on all of the remaining claims have been addressed, and that the claims remaining for prosecution in this case are allowable as amended. The Applicant, therefore, respectfully requests a Notice of Allowance.

For payment of any fees due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account 50-2587 (Order No. SJ0920000001US1).

Respectfully submitted,

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- 9 -